



INTERIOR BOARD OF INDIAN APPEALS

Karen GreyEyes, et al. v. Aberdeen Area Director, Bureau of Indian Affairs

22 IBIA 174 (07/07/1992)

Reconsideration denied:
22 IBIA 238



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

KAREN (ABRAHAM) GREYEVES,	:	Order Docketing and Dismissing
CECELIA (ABRAHAM) WAANATAN,	:	Appeal
CURTIS ABRAHAM, and CAROLE	:	
(ABRAHAM) THUNDER,	:	
Appellants	:	
	:	
v.	:	Docket No. IBIA 92-187-A
	:	
ABERDEEN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	July 7, 1992

Appellants Karen (Abraham) GreyEyes, Cecelia (Abraham) Waanatan, Curtis Abraham, and Carole (Abraham) Thunder apparently seek review of a May 13, 1992, decision of the Aberdeen Area Director, Bureau of Indian Affairs (Area Director; BIA), awarding leases on allotments DLS-237 and DLS-874, in which appellants each own an undivided interest, to a person other than the person with whom appellants had negotiated a lease. The allotments are located on the Fort Totten Indian Reservation, in North Dakota.

The Board of Indian Appeals (Board) received appellants' notice of appeal on June 29, 1992. The notice was postmarked June 24, 1992. By letter dated June 30, 1992, the Area Director transmitted to the Board a copy of appellants' notice of appeal. The Area Director identified the decision he believed appellants were appealing, and included a copy of the decision and of the return receipt card showing that appellant GreyEyes received her copy of the decision on May 16, 1992. The Area Director stated his belief that the appeal was not timely filed.

From the information submitted by the Area Director, the Board agrees that this appeal is untimely. The Area Director's May 13, 1992, decision correctly informed appellants that a notice of appeal must be filed within 30 days from receipt of the decision. 43 CFR 4.332(a). The date of filing a notice of appeal is the date of postmark. 43 CFR 4.310(a). Based upon the date of receipt, appellants' notice of appeal needed to be postmarked on or before June 15, 1992.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Aberdeen Area Director's May 13, 1992, decision is docketed and dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge